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FILED

U.S. DISTRICT COURT

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AUG 25 2003

U.S. DISTRICT COURT

DISTRICT OF UTAH

BY:

DEPUTY CLERK

Attorneys for Defendant, The Official Committee of Unsecured
Creditors of 324 South State, LLC¹

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

LASALLE NATIONAL BANK, as Trustee for the Registered
Holders of Asset Securitization Corporation Commercial Pass-
Through Certificates 1996-D2,

Plaintiff,

v.

324 SOUTH STATE, L.L.C., a Delaware limited liability
company; FIRST AMERICAN TITLE INSURANCE
AGENCY, INC., a Utah corporation, in its capacity as trustee;
DOERKEN REAL ESTATE SERVICES, INC., a California
corporation; EXCHANGE MANAGEMENT, L.L.C., a Utah
limited liability company; WILCOM, INC., a Utah corporation
d/b/a Jani-King of Salt Lake City; SMITTY'S ENTERPRISES,
INC., a Utah corporation; MECHANICAL SERVICE &
SYSTEMS, INC., a Utah corporation; THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS OF 324
SOUTH STATE STREET; BIG-D CONSTRUCTION
CORPORATION, a Utah corporation; SALT LAKE CITY
CONSTRUCTION CORPORATION, a Utah corporation;
COSTELLO COMPANY, INC., a Utah corporation; ISS
BUILDING MAINTENANCE, INC., BOMEL
CONSTRUCTION, CO., INC., a California corporation; IRELL
& MANELLA, LLP, a California limited liability company;
JOHN DOES 1-10.

Defendants.

ORDER TRANSFERRING VENUE
AND REFERRING ACTION TO
BANKRUPTCY COURT

Case No. 2: 03CV00455

Chief Judge Dee Benson

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¹ Motion for Pro Hac Vice admission pending.

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The Motion to Dismiss filed by Defendant, 324 South State, LLC (“Defendant”), and the Motion to Remand filed by Plaintiff, LaSalle National Bank (“Plaintiff”), came on for hearing on August 12, 2003, the Honorable Dee Benson, United States District Court Judge presiding.

Defendant appeared through Ballard Spahr Andrews & Ingersoll by Anthony Kaye. Plaintiff appeared through Parr Waddoups Brown Gee & Loveless by Ronald G. Russell. Defendant, The Official Committee of Unsecured Creditors of 324 South State Street (“Committee”) appeared through Marshack Shulman Hodges & Bastian LLP by James C. Bastian, Jr. Other parties appeared as reflected in the Court’s record.

The Court having considered the Motion to Dismiss, the Motion to Remand, the documents filed in support of and in opposition to said Motions, the arguments and representations of counsel, and the record in this case, it is hereby

ORDERED that this action is transferred to the United States District Court for the Central District of California with instructions that the action be referred to the United States Bankruptcy Court, Central District of California, Santa Ana Division, Judge James N. Barr presiding for the purpose of having a determination made by Judge Barr as to whether the stay has been modified to permit this action to proceed.

IT IS FURTHERED ORDERED that defendant The Official Committee of Unsecured Creditors of 324 South State, LLC (“The Unsecured Creditors Committee”) will be responsible to schedule a hearing before Judge Barr on the issue of whether the stay has been modified to permit this action to proceed, on September 16, 2003 at 10:30 a.m., the same time and date that other matters in Chapter 11 Bankruptcy Case No. SA 00-10624 are scheduled to be heard by the Bankruptcy Court, according to counsel for Unsecured Creditors Committee, or as soon thereafter as the Bankruptcy Court’s calendar will allow, but no later than October 1, 2003. In the event that the Bankruptcy Court does not enter an order determining that the bankruptcy stay prevents this action from proceeding, then this action shall be immediately transferred back to this Court and then immediately remanded to the Third Judicial District Court for Salt Lake County, State of Utah (Civil No. 030907015) for further proceedings. In the event

that the Bankruptcy Court determines that the bankruptcy stay prevents this action from going forward, the Bankruptcy Court shall retain jurisdiction of this case.

Dated: Aug. 26, 2003


HON. DEE BENSON
UNITED STATES DISTRICT COURT JUDGE

APPROVED AS TO FORM AND CONTENT:

Dated: August , 2003

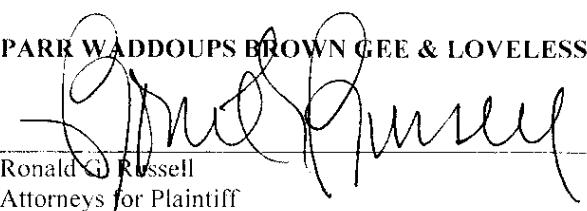
MARSHACK SHULMAN HODGES & BASTIAN LLP

James C. Bastian, Jr.
Attorneys for Defendant, The Official Committee of Unsecured
Creditors of 324 South State, LLC

Dated: August 25, 2003

PARR WADDOUPS BROWN GEE & LOVELESS, P.C.

Ronald C. Russell
Attorneys for Plaintiff



Dated: August , 2003

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

Anthony C. Kaye
Attorneys for Defendant, 324 South State, LLC

Court determines that the bankruptcy stay prevents this action from going forward, the Bankruptcy Court shall retain jurisdiction of this case.

Dated:

HON. DEE BENSON
UNITED STATES DISTRICT COURT JUDGE

APPROVED AS TO FORM AND CONTENT:

Dated: August 21, 2003

MARSHACK SHULMAN HODGES & BASTIAN LLP



James C. Bastian, Jr.
Attorneys for Defendant, The Official Committee of Unsecured
Creditors of 324 South State, LLC

Dated: August , 2003

PARR WADDOUPS BROWN GEE & LOVELESS, P.C.

Ronald G. Russell
Attorneys for Plaintiff

Dated: August 22, 2003

BALLARD SPAHR ANDREWS & INGERSOLL, LLP



Anthony C. Kaye
Attorneys for Defendant, 324 South State, LLC

jmr

United States District Court
for the
District of Utah
August 29, 2003

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:03-cv-00455

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

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